

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**JOSEPH STALLARD**  
Claimant

VS.

**OVERNITE TRANSPORTATION COMPANY**  
Respondent,  
Self-Insured

)  
)  
)  
)  
)  
)  
)

Docket No. 228,243

**ORDER**

Respondent appealed the October 5, 2000 Award entered by Administrative Law Judge Julie A.N. Sample. The Board heard oral argument on April 4, 2001.

**APPEARANCES**

Michael R. Lawless of Overland Park, Kansas, appeared for claimant. Jeff S. Bloskey of Overland Park, Kansas, appeared for respondent.

**RECORD AND STIPULATIONS**

The record considered by the Board and the parties' stipulations are listed in the Award.

**ISSUES**

This is a claim for bilateral carpal tunnel syndrome that allegedly resulted from the repetitive traumas that claimant sustained while working for respondent from August 26, 1997, through November 5, 1999. In the October 5, 2000 Award, Judge Sample awarded claimant a 26 percent permanent partial general disability, which was based upon the functional impairment rating provided by Dr. Lanny W. Harris, the independent medical examiner selected by the Judge.

Respondent contends Judge Sample erred. Respondent argues that claimant's bilateral carpal tunnel syndrome was made symptomatic by his activities of daily living. Respondent also argues that Dr. Harris' functional impairment rating was not based upon the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (the *Guides*) and, therefore, the Judge erred by not adopting the zero percent rating

provided by Dr. Robert L. Coleman, the surgeon who operated on claimant. For the above reasons, respondent contends the Award should be reversed and the request for benefits denied.

Conversely, claimant contends the Award should be affirmed.

The issues before the Board on this appeal are:

1. Was claimant's bilateral carpal tunnel syndrome caused by the work that he performed for respondent?
2. If so, what is the nature and extent of injury and disability?

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record, the Board finds and concludes:

1. The October 5, 2000 Award should be affirmed in all respects. The Board adopts the findings and conclusions set forth in the well-written Award.
2. The Board agrees with the Judge that it is more probably true than not that claimant developed bilateral carpal tunnel syndrome as a direct result of the work that he performed for respondent.
3. The Board finds claimant's testimony concerning his job duties to be persuasive, as well as Dr. Lanny W. Harris' opinions regarding causation and functional impairment. The Board finds and concludes that claimant sustained repetitive mini-traumas to his hands and wrists while handling freight for respondent. The Board finds that claimant's work activities caused his bilateral carpal tunnel syndrome and a 26 percent whole body functional impairment.
4. The Judge appointed Dr. Harris to evaluate claimant. Respondent's argument that Dr. Harris failed to rate claimant according to the fourth edition of the *AMA Guides* is without merit. At his deposition, Dr. Harris set forth each step and each table from the *Guides* that he used in determining claimant's functional impairment rating. In determining upper extremity impairment, the *Guides* specifically require physicians to first assess how a sensory deficit or pain affects an individual.<sup>1</sup> That assessment then determines the range of percentages to be used in determining the ultimate upper extremity rating. Therefore, respondent's argument that Dr. Harris' rating does not have a quantitative basis is not persuasive. Likewise, respondent's argument that Dr. Harris' functional impairment

---

<sup>1</sup> American Medical Association's *Guides to the Evaluation of Permanent Impairment*, Fourth Edition, Table 11a (p. 48).

rating cannot be considered because he did not observe the sensory deficits tests administered by the hand therapists at Health Midwest is not persuasive. Under that theory, the Board could not consider a doctor's functional impairment opinion, including preexisting functional impairment, unless that doctor administered all the tests and obtained all the results that were considered in the rating process. Such is not the law.

The Board is mindful that Dr. Robert L. Coleman, the surgeon who performed bilateral carpal tunnel release surgeries on claimant, testified that claimant's carpal tunnel syndrome was not caused by his work and that claimant has no functional impairment due to that condition. The Board finds that Dr. Coleman's opinions are not persuasive.

5. The Board concludes that claimant is entitled to receive workers compensation benefits for the bilateral carpal tunnel syndrome, including a 26 percent permanent partial general disability that is based upon the whole body functional impairment rating.

#### **AWARD**

**WHEREFORE**, the Board affirms the October 5, 2000 Award.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 2001.

---

BOARD MEMBER

---

BOARD MEMBER

---

BOARD MEMBER

c: Michael R. Lawless, Overland Park, KS  
Jeff S. Bloskey, Overland Park, KS  
Julie A.N. Sample, Administrative Law Judge  
Philip S. Harness, Director